

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**UNITED STATES OF AMERICA,** )  
 )  
**V.** )  
 )  
**JACK HAMMOND CLAY** )  
 )  
\_\_\_\_\_ )

**No. 3:09-CR-084-B**

**ECF**

**MOTION TO WITHDRAW**

Pursuant to Rule 57.12 of the Local Criminal Rules for the District Court for the Northern District of Texas, the Federal Public Defender for the Northern District of Texas (the "Federal Public Defender") hereby moves to withdraw as counsel of record in the above-entitled action. In support of such motion, the Federal Public Defender sets forth the following facts:

1. The Federal Public Defender was appointed as counsel of record in this case by the Court on April 9, 2009. The Court had issued a summons to appear on that date. Carlton McLarty, Assistant Federal Public Defender, was assigned the case by the Federal Public Defender. The defendant is Jack Hammond Clay, 1400 S. Nursery Road, Irving, TX 75060.

2. Counsel believes that good cause exists to withdraw from the representation in this matter.

3. Pursuant to U.S. v Wild, 92 F.3d 304 (5th Cir. 1996) an attorney filing a motion to withdraw should provide a detailed explanation of the reasons why he believes good cause exists for him to withdraw as counsel. Those reasons include the following:

Without detailing the exact nature of the communications due to confidentiality issues, Mr. Clay has made threats of retaliation on account of the representation by the Federal Public Defender's Office. To date, there have been no in person or telephonic communications with the defendant.

WHEREFORE, the Federal Public Defender for the Northern District of Texas requests this Court to grant this Motion to Withdraw.

Respectfully submitted,

s/ Carlton McLarty  
CARLTON McLARTY  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2009 I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this notice as service of this document by electronic means: Amy Mitchell at [amy.mitchell@usdoj.gov](mailto:amy.mitchell@usdoj.gov). A copy of the foregoing document was also served by hand-delivery to Ms. Mitchell at 1100 Commerce St., Third Floor, Dallas, Texas 75242. I further certify that I caused copies to be deposited in the United States Mail, first-class, postage paid, addressed to Jack Hammond Clay, 1400 S. Nursery Road, Irving, TX 75060.

s/ Carlton McLarty  
Carlton McLarty  
Assistant Federal Public Defender

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 5.1 of the Northern District of Texas, I, Carlton McLarty certify that I have conferred with AUSA Sarah Saldana for Amy Mitchell concerning this motion to withdraw. The United States does not oppose the motion.

*s/ Carlton McLarty*

Carlton McLarty

Assistant Federal Public Defender